

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PLANNED PARENTHOOD  
FEDERATION OF AMERICA, INC., et al.,

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et  
al.,

Defendants.

Case No. [16-cv-00236-WHO](#)

**FINAL VERDICT FORM**

**Verdict Form**

*Planned Parenthood et al. v. Center for Medical Progress, et al.*

**Introduction**

This verdict form is divided into sections A through K. Complete sections A through J to determine whether the Defendants are liable to the Plaintiffs on each of the Plaintiffs' claims. You must complete each of sections A through J.

Section K is used to determine the amount of punitive damages. Only complete Section K if you found at least one Plaintiff suffered harm on at least one claim in Sections A, E through F, and H through J.

You must follow the law provided to you in the Jury Instructions in answering the questions in this Verdict Form. After each question, a cross-reference to the most pertinent jury instructions is listed in [bracketed text].

Some of the questions require you to answer YES or NO to more than one Defendant. You must give an answer for each Defendant listed for a question. Within each section, there are instructions after each question that will tell you whether to answer the next question or to skip ahead to another question or to the next section.

Your answers must be unanimous for each question that you are

required to answer.

Ask the court clerk if you need additional copies of this form.

Once you have reached a unanimous verdict on all questions that you are required to answer, the presiding juror should sign the verdict form and notify the court clerk that you are ready to present your verdict in the courtroom.

## **Section A—Trespass**

1. In what amount, if any, was PPFA damaged by Defendants Daleiden, Lopez, BioMax, and CMP's trespasses at the 2014 Forum, 2015 MeDC, and the 2015 National Conference?

[Instructions II.B.1; II.L.1-3, 5-7]

Damage Category	Plaintiff	Awarded Damages
Infiltration	PPFA	
Security	PPFA (Nucatola) (Ginde) (Monitoring)	

*Answer the next question.*

2. Did any Defendant conspire with Daleiden, Lopez, BioMax, or CMP to trespass at PPFA's conferences?

[Instructions II.K.1-2]

A. Albin Rhomberg \_\_\_\_\_ Yes \_\_\_\_\_ No

B. Troy Newman \_\_\_\_\_ Yes \_\_\_\_\_ No

*Answer the next question.*

3. In what amount, if any, was PPFA damaged by Defendants Daleiden, Merritt, BioMax, and CMP's trespass at the PPRM Stapleton Health Center?

[Instructions II.B.2; II.L.1-3, 5-7]

Damage Category	Plaintiff	Awarded Damages
Security	PPFA (Ginde)	

*Answer the next question.*

4. Did any Defendant conspire with Daleiden, Lopez, Merritt, or CMP to trespass at the PPRM Stapleton Health Center?

[Instructions II.K.1-2]

A. Albin Rhomberg \_\_\_\_\_ Yes \_\_\_\_\_ No

B. Troy Newman \_\_\_\_\_ Yes \_\_\_\_\_ No

*Answer the next question.*

5. In what amount, if any, was PPGC/PPCFC damaged by Daleiden, Merritt, BioMax, and CMP's trespass at the PPGC/PPCFC Health Center?

[Instructions II.B.3; II.L.1-3, 5-7]

Damage Category	Plaintiff	Awarded Damages
Security	PPGC/PPCFC (Farrell)	

*Answer the next question*

6. Did any Defendant conspire with Daleiden, Lopez, BioMax, or CMP to trespass at the PPGC/PPCFC Health Center?

[Instructions II.K.1-2]

A. Albin Rhomberg \_\_\_\_\_ Yes \_\_\_\_\_ No

B. Troy Newman \_\_\_\_\_ Yes \_\_\_\_\_ No

\* \* \* *End of Section* \* \* \*

## **Section B—Breach of PPFA Exhibitor Agreements**

### **Liability**

1. Did any Defendant breach the 2014 Forum Exhibitor Agreement by violating an applicable law concerning fraud or privacy in performing their respective obligations under the contract?

[Instructions II.C.1-3, 5]

A. David Daleiden \_\_\_\_\_ Yes \_\_\_\_\_ No

B. BioMax \_\_\_\_\_ Yes \_\_\_\_\_ No

C. CMP \_\_\_\_\_ Yes \_\_\_\_\_ No

*Answer the next question.*

2. Did any Defendant breach the MeDC Exhibitor Agreement by violating an applicable law concerning fraud or privacy in performing their respective obligations under the contract?

[Instructions II.C.1-3, 5]

A. David Daleiden \_\_\_\_\_ Yes \_\_\_\_\_ No

B. BioMax \_\_\_\_\_ Yes \_\_\_\_\_ No

C. CMP \_\_\_\_\_ Yes \_\_\_\_\_ No

*Answer the next question.*

3. Did any Defendant breach the 2015 PPFA National Conference Exhibitor Agreement by violating an applicable law concerning fraud or privacy in performing their respective obligations under the contract?

[\[Instructions II.C.1-3, 5\]](#)

A. David Daleiden	_____Yes	_____No
B. BioMax	_____Yes	_____No
C. CMP	_____Yes	_____No

*Answer the next question.*

**Damages**

4. In what amount, if any, was PPFA damaged by breach of the PPFA Exhibitor Agreements, including the breaches that the Court has already found?

[Instructions II.C.4-5; II.L.1-2, 4-7]

Damage Category	Plaintiff	Awarded Damages
Infiltration	PPFA	
Security	PPFA (Nucatola) (Ginde) (Monitoring)	

\* \* \* *End of Section* \* \* \*



## **Section C—Breach of NAF Agreements**

1. In what amount, if any, was each Plaintiff damaged by the breach of the 2014 NAF Agreements and 2015 NAF Agreements by Defendants Daleiden, BioMax, Merritt, Lopez, BioMax, and CMP?

[Instructions II.C.6; II.L.1-2, 4-7]

Damage Category	Plaintiff	Awarded Damages
Security	PPFA (Nucatola)	

\* \* \* *End of Section* \* \* \*

## **Section D—Breach of PPGC Agreement**

1. Did any Defendant breach the PPGC Nondisclosure Agreement?

[\[Instructions II.C.1-3, 7\]](#)

A. David Daleiden \_\_\_\_\_ Yes \_\_\_\_\_ No

B. BioMax \_\_\_\_\_ Yes \_\_\_\_\_ No

C. CMP \_\_\_\_\_ Yes \_\_\_\_\_ No

*If you answered Yes as to any Defendant, answer the next question.  
Otherwise, skip to the next Section.*

2. In what amount, if any, was PPGC damaged by the breach of the PPGC Nondisclosure Agreement?

[\[Instructions II.C.7; II.L.1-2, 4-7\]](#)

Damage Category	Plaintiff	Awarded Damages
Security	PPGC (Farrell)	

\* \* \* *End of Section* \* \* \*

## **Section E—Fraud**

### **Intentional Misrepresentation**

1. Did any Defendant commit fraud or conspire to commit fraud through intentional misrepresentation? If Yes, as to which Plaintiff(s)?

[Instructions II.D.1-2, 4-7; II.K.1-2]

A. David Daleiden \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, as to which Plaintiff(s)?

\_\_\_\_\_ PPFA \_\_\_\_\_ PPGC \_\_\_\_\_ PPOSBC \_\_\_\_\_ PPPSGV

B. Sandra Merritt \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, as to which Plaintiff(s)?

\_\_\_\_\_ PPFA \_\_\_\_\_ PPGC \_\_\_\_\_ PPOSBC \_\_\_\_\_ PPPSGV

C. Adrian Lopez \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, as to which Plaintiff(s)?

\_\_\_\_\_ PPFA \_\_\_\_\_ PPGC \_\_\_\_\_ PPOSBC \_\_\_\_\_ PPPSGV

D. BioMax \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, as to which Plaintiff(s)?

\_\_\_\_\_ PPFA \_\_\_\_\_ PPGC \_\_\_\_\_ PPOSBC \_\_\_\_\_ PPPSGV

E. CMP \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, as to which Plaintiff(s)?

\_\_\_\_\_ PPFA \_\_\_\_\_ PPGC \_\_\_\_\_ PPOSBC \_\_\_\_\_ PPPSGV

F. Albin Rhomberg \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, as to which Plaintiff(s)?

\_\_\_\_\_ PPFA \_\_\_\_\_ PPGC \_\_\_\_\_ PPOSBC \_\_\_\_\_ PPPSGV

G. Troy Newman \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, as to which Plaintiff(s)?

\_\_\_\_\_ PPFA \_\_\_\_\_ PPGC \_\_\_\_\_ PPOSBC \_\_\_\_\_ PPPSGV

*If you answered Yes to any Defendant, answer the next question.  
Otherwise, skip to Question 3.*

2. In what amount, if any, was each Plaintiff damaged by the fraud?

[Instructions II.D.2; II.L.1-3, 5-7]

Damage Category	Plaintiff	Awarded Damages
Infiltration	PPFA	
Security	PPFA	
Security	PPGC	
Security	PPOSBC	
Security	PPPSGV	

*Answer the next question.*

## **False Promise Fraud**

### **PPFA Exhibitor Agreements**

3. Did any Defendant commit or conspire to commit false promise fraud in connection with the PPFA Exhibitor Agreements?

[\[Instructions II.D.1, 3-6; II.K.1-2\]](#)

A. David Daleiden                      \_\_\_\_\_ Yes                      \_\_\_\_\_ No

B. Sandra Merritt                      \_\_\_\_\_ Yes                      \_\_\_\_\_ No

C. Adrian Lopez                      \_\_\_\_\_ Yes                      \_\_\_\_\_ No

D. BioMax                      \_\_\_\_\_ Yes                      \_\_\_\_\_ No

E. CMP                      \_\_\_\_\_ Yes                      \_\_\_\_\_ No

F. Albin Rhomberg                      \_\_\_\_\_ Yes                      \_\_\_\_\_ No

G. Troy Newman                      \_\_\_\_\_ Yes                      \_\_\_\_\_ No

*If you answered Yes as to any Defendant, answer the next question.  
Otherwise, skip to Question 5.*

4. In what amount, if any, was PPFA damaged by the false promise fraud?

[Instructions II.D.3; II.L.1-3, 5-7]

Damage Category	Plaintiff	Awarded Damages
Infiltration	PPFA	
Security	PPFA (Nucatola) (Ginde) (Monitoring)	

*Answer the next question.*

PPGC NDA

5. Did any Defendant commit or conspire to commit false promise fraud in connection with the PPGC Nondisclosure Agreement?

[Instructions II.D.1, 3-6; II.K.1-2]

A. David Daleiden \_\_\_\_\_ Yes \_\_\_\_\_ No

B. Sandra Merritt \_\_\_\_\_ Yes \_\_\_\_\_ No

C. Adrian Lopez \_\_\_\_\_ Yes \_\_\_\_\_ No

D. BioMax \_\_\_\_\_ Yes \_\_\_\_\_ No

E. CMP \_\_\_\_\_ Yes \_\_\_\_\_ No

F. Albin Rhomberg \_\_\_\_\_ Yes \_\_\_\_\_ No

G. Troy Newman \_\_\_\_\_ Yes \_\_\_\_\_ No

*If you answered Yes as to any Defendant, answer the next question.  
Otherwise, skip to the next Section.*



6. In what amount, if any, was PPGC damaged?

[Instructions II.D.3; II.L.1-3, 5-7]

Damage Category	Plaintiff	Awarded Damages
Security	PPGC (Farrell)	

\* \* \* *End of Section* \* \* \*

## **Section F—RICO**

1. Did any Defendant violate RICO or conspire to violate RICO?

[\[Instructions II.E.1-12\]](#)

A. David Daleiden \_\_\_\_\_ Yes \_\_\_\_\_ No

B. Sandra Merritt \_\_\_\_\_ Yes \_\_\_\_\_ No

C. Adrian Lopez \_\_\_\_\_ Yes \_\_\_\_\_ No

D. BioMax \_\_\_\_\_ Yes \_\_\_\_\_ No

E. CMP \_\_\_\_\_ Yes \_\_\_\_\_ No

F. Albin Rhomberg \_\_\_\_\_ Yes \_\_\_\_\_ No

G. Troy Newman \_\_\_\_\_ Yes \_\_\_\_\_ No

*If you answered Yes to any Defendant, answer the next question.  
Otherwise, skip the rest of this Section.*

2. In what amount, if any, was each Plaintiff damaged by Defendants' violation of RICO?

[Instructions II.E.2; II.L.1-3, 5-7]

<b>Damage Category</b>	<b>Plaintiff</b>	<b>Awarded Damages</b>
Infiltration	PPFA	
Security	PPFA	
Security	PPGC	
Security	PPOSBC	
Security	PPPSGV	

*\* \* \* End of Section \* \* \**

## **Section G—Recording (California Penal Code)**

1. For each recording below, answer “Yes” or “No” as to whether a Plaintiff has established the recording violated Penal Code 632. If you find a recording violated Penal Code 632, answer whether the Defendant established all the elements of a defense under Penal Code 633.5.

[\[Instructions II.G.1-5\]](#)

### A. PPNorCal via Dr. Drummond-Hay at NAF 2014

a. Violation? \_\_\_\_\_ Yes \_\_\_\_\_ No

b. 633.5 Defense?

i. Daleiden \_\_\_\_\_ Yes \_\_\_\_\_ No

ii. Merritt \_\_\_\_\_ Yes \_\_\_\_\_ No

### B. PPFA via Dr. Nucatola at NAF 2014 - First Recording

a. Violation? \_\_\_\_\_ Yes \_\_\_\_\_ No

b. 633.5 Defense?

i. Merritt \_\_\_\_\_ Yes \_\_\_\_\_ No

### C. PPFA via Dr. Nucatola at NAF 2014 - Second Recording

a. Violation? \_\_\_\_\_ Yes \_\_\_\_\_ No

b. 633.5 Defense?

i. Merritt \_\_\_\_\_ Yes \_\_\_\_\_ No

D. PPFA via Dr. Nucatola at Craft Restaurant

a. Violation? \_\_\_\_\_ Yes \_\_\_\_\_ No

b. 633.5 Defense?

i. Daleiden \_\_\_\_\_ Yes \_\_\_\_\_ No

ii. Merritt \_\_\_\_\_ Yes \_\_\_\_\_ No

E. PPPSGV via Dr. Gatter at a/k/a Bistro

a. Violation? \_\_\_\_\_ Yes \_\_\_\_\_ No

b. 633.5 Defense?

i. Daleiden \_\_\_\_\_ Yes \_\_\_\_\_ No

ii. Merritt \_\_\_\_\_ Yes \_\_\_\_\_ No

F. PPPSGV via Felczer at a/k/a Bistro

a. Violation? \_\_\_\_\_ Yes \_\_\_\_\_ No

b. 633.5 Defense?

i. Daleiden \_\_\_\_\_ Yes \_\_\_\_\_ No

ii. Merritt \_\_\_\_\_ Yes \_\_\_\_\_ No

*Answer the next question if you found at least one recording violated Penal Code 632 and at least one Defendant did not establish a 633.5 defense. Otherwise, skip to the next Section.*

2. In what amount, if any, was each Plaintiff damaged by Defendant(s)' violation of Penal Code 632?

[Instructions II.G.1; II.L.1-3, 5-7]

Damage Category	Plaintiff	Awarded Damages
Security	PPFA (Nucatola)	
Security	PPPSGV	

*Answer the next question.*

3. Which Defendants, if any, conspired to violate Penal Code 632?

[Instructions II.K.1-2]

A. David Daleiden	_____Yes	_____No
B. Sandra Merritt	_____Yes	_____No
C. Adrian Lopez	_____Yes	_____No
D. BioMax	_____Yes	_____No
E. CMP	_____Yes	_____No
F. Albin Rhomberg	_____Yes	_____No
G. Troy Newman	_____Yes	_____No

*\*\*\* End of Section \*\*\**

## **Section H—Recording (Florida Law)**

1. For each recording below, answer “Yes” or “No” as to whether a Plaintiff has established the recording violated Florida Law.

[Instructions II.H.1-2]

A. PPFA via Dr. Nucatola at 2014 Forum - First Recording by

Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

B. PPFA via Dr. Nucatola at 2014 Forum - Second Recording by

Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

C. PPFA via K. Shea at 2014 Forum by Adrian Lopez and David

Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

D. PPPSGV via Dr. Gatter at 2014 Forum by Adrian Lopez and

David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

E. PPCCC via Dr. Siegfried at 2014 Forum by Adrian Lopez and

David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

F. PPRM via Dr. Ginde at 2014 Forum by David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

G. PPFA via J. Gupta at 2015 MeDC - First Recording by Adrian

Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

H. PPFA via J. Gupta at 2015 MeDC - Second Recording by

Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

I. PPFA via Dr. Nucatola at 2015 MeDC - First Recording by

Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No



J. PPFA via Dr. Nucatola at 2015 MeDC - Second Recording by  
Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

K. PPFA via D. VanDerhei at 2015 MeDC by Adrian Lopez and  
David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

L. PPPSGV via Dr. Mary Gatter at 2015 MeDC by Adrian Lopez  
and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

M. PPOSBC via Dr. Russo at 2015 MeDC by Adrian Lopez and  
David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

N. B. PPGC via B. Smith at 2015 MeDC by David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

O. PPPSW via Dr. Moran at 2015 MeDC by Adrian Lopez and

David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

P. PPPSW via Dr. Nguyen at 2015 MeDC by Adrian Lopez and

David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

*Answer the next question if you found at least one recording violated Florida law. Otherwise, skip to the next Section.*

2. In what amount, if any, was each Plaintiff damaged by Defendant(s)' violation of Florida law?

[Instructions II.H.1; II.L.1-3, 5-7]

Damage Category	Plaintiff	Awarded Damages
Security	PPFA (Nucatola) (Ginde)	
Security	PPOSBC	
Security	PPPSGV	

*Answer the next question.*

3. Which Defendants, if any, conspired to violate Florida law?

[Instructions II.K1-2]

A. David Daleiden	_____Yes	_____No
B. Sandra Merritt	_____Yes	_____No
C. Adrian Lopez	_____Yes	_____No
D. BioMax	_____Yes	_____No
E. CMP	_____Yes	_____No
F. Albin Rhomberg	_____Yes	_____No
G. Troy Newman	_____Yes	_____No

\* \* \* *End of Section* \* \* \*

## **Section I—Recording (Maryland Law)**

1. For each recording below, answer “Yes” or “No” as to whether a Plaintiff has established the recording violated Maryland Law.

[\[Instructions II.I.1-2\]](#)

A. PPFA via Dr. Nucatola at 2015 NAF by David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

B. PPFA via J. Castle at 2015 NAF by David Daleiden and Sandra Merritt

\_\_\_\_\_Yes \_\_\_\_\_No

C. PPFA via D. VanDerhei at 2015 NAF by David Daleiden and Sandra Merritt

\_\_\_\_\_Yes \_\_\_\_\_No

D. PPCFC via T. Nguyen at 2015 NAF - First Recording by Adrian Lopez

\_\_\_\_\_Yes \_\_\_\_\_No

E. PPCFC via T. Nguyen at 2015 NAF - Second Recording by

David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

F. PPGC/PPCFC via J. Krugler at 2015 NAF - First Recording by

Adrian Lopez

\_\_\_\_\_Yes \_\_\_\_\_No

G. PPGC/PPCFC via J. Krugler at 2015 NAF - Second Recording

by David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

H. PPCFC via Dr. Schutt-Aine at 2015 NAF - First Recording by

Adrian Lopez

\_\_\_\_\_Yes \_\_\_\_\_No

## I. PPCFC via Dr. Schutt-Aine at 2015 NAF - Second Recording

by David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

*Answer the next question if you found at least one recording violated Maryland law. Otherwise, skip to the next Section.*

2. In what amount, if any, was each Plaintiff damaged by Defendant(s)' violation of Maryland law?

*[Instructions II.I.1; II.L.1-3, 5-7]*

Damage Category	Plaintiff	Awarded Damages
Security	PPFA (Nucatola)	
Security	PPGC (Schutt-Aine)	

*Answer the next question.*

3. Which Defendants, if any, conspired to violate Maryland law?

[Instructions II.K.1-2]

A. David Daleiden	_____Yes	_____No
B. Sandra Merritt	_____Yes	_____No
C. Adrian Lopez	_____Yes	_____No
D. BioMax	_____Yes	_____No
E. CMP	_____Yes	_____No
F. Albin Rhomberg	_____Yes	_____No
G. Troy Newman	_____Yes	_____No

\* \* \* *End of Section* \* \* \*



## **Section J—Recording (Federal law)**

1. For each recording below, answer “Yes” or “No” as to whether a Plaintiff has established the recording violated Federal Law.

[\[Instructions II.J.1-3\]](#)

A. PPGC via M. Linton at 2015 PPFA National Conference by

Adrian Lopez and David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

B. PPFA via Dr. Westhoff at 2015 PPFA National Conference by

Adrian Lopez and David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

C. PPFA via J. Castle at 2015 PPFA National Conference by

Adrian Lopez and David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

D. PPFA via K. Flood at 2015 PPFA National Conference by

Adrian Lopez and David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

E. PPFA via J. Fils-Aime at 2015 PPFA National Conference by

Adrian Lopez and David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

F. PPFA via A. Grewer at 2015 PPFA National Conference by

Adrian Lopez and David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

G. PPRM via Dr. Ginde at PPRM Stapleton Health Center by

Sandra Merritt and David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

H. PPRM via J. Johnstone at PPRM Stapleton Health Center by

Sandra Merritt and David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

I. PPGC via M. Farrell at PPGC Prevention Park Health Center

by Sandra Merritt and David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

J. PPGC via Receptionist #1 at PPGC Prevention Park Health

Center by Sandra Merritt and David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

K. PPGC via Receptionist #2 at PPGC Prevention Park Health

Center by Sandra Merritt and David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

L. PPFA via Dr. Nucatola at 2015 NAF by David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

M. PPFA via J. Castle at 2015 NAF by David Daleiden and Sandra

Merritt

\_\_\_\_\_ Yes \_\_\_\_\_ No

N. PPFA via D. VanDerhei at 2015 NAF by David Daleiden and

Sandra Merritt

\_\_\_\_\_ Yes \_\_\_\_\_ No

O. PPCFC via T. Nguyen at 2015 NAF - First Recording by Adrian Lopez

\_\_\_\_\_ Yes \_\_\_\_\_ No

P. PPCFC via T. Nguyen at 2015 NAF - Second Recording by David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

Q. PPGC/PPCFC via J. Krugler at 2015 NAF - First Recording by Adrian Lopez

\_\_\_\_\_ Yes \_\_\_\_\_ No

R. PPGC/PPCFC via J. Krugler at 2015 NAF - Second Recording by David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

S. PPCFC via Dr. Schutt-Aine at 2015 NAF - First Recording by Adrian Lopez

\_\_\_\_\_ Yes \_\_\_\_\_ No

T. PPCFC via Dr. Schutt-Aine at 2015 NAF - Second Recording

by David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

U. PPFA via Dr. Nucatola at 2014 Forum - First Recording by

Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

V. PPFA via Dr. Nucatola at 2014 Forum - Second Recording by

Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

W. PPFA via K. Shea at 2014 Forum by Adrian Lopez and David

Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

X. PPPSGV via Dr. Gatter at 2014 Forum by Adrian Lopez and

David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

Y. PPCCC via Dr. Siegfried at 2014 Forum by Adrian Lopez and  
David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

Z. PPRM via Dr. Ginde at 2014 Forum by David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

AA. PPFA via J. Gupta at 2015 MeDC - First Recording by  
Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

BB. PPFA via J. Gupta at 2015 MeDC - Second Recording by  
Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

CC. PPFA via Dr. Nucatola at 2015 MeDC - First Recording  
by Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

DD. PPFA via Dr. Nucatola at 2015 MeDC - Second

Recording by Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

EE. PPFA via D. VanDerhei at 2015 MeDC by Adrian Lopez

and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

FF. PPPSGV via Dr. Mary Gatter at 2015 MeDC - First

Recording by Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

GG. PPOSBC via Dr. Russo at 2015 MeDC - First Recording

by Adrian Lopez and David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

HH. B. PPGC via B. Smith at 2015 MeDC by David Daleiden

\_\_\_\_\_Yes \_\_\_\_\_No

II. PPPSW via Dr. Moran at 2015 MeDC by Adrian Lopez and  
David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

JJ.PPPSW via Dr. Nguyen at 2015 MeDC by Adrian Lopez and  
David Daleiden

\_\_\_\_\_ Yes \_\_\_\_\_ No

KK. PPNorCal via Dr. Drummond-Hay at 2014 NAF by David  
Daleiden and Sandra Merritt

\_\_\_\_\_ Yes \_\_\_\_\_ No

LL. PPFA via Dr. Nucatola at 2014 NAF - First Recording by  
Sandra Merritt

\_\_\_\_\_ Yes \_\_\_\_\_ No

MM. PPFA via Dr. Nucatola at 2014 NAF - Second Recording  
by David Daleiden and Sandra Merritt

\_\_\_\_\_ Yes \_\_\_\_\_ No



NN. PPFA via Dr. Nucatola at Craft Restaurant by David  
Daleiden and Sandra Merritt

\_\_\_\_\_ Yes \_\_\_\_\_ No

OO. PPPSGV via Dr. Gatter at a/k/a Bistro by David Daleiden  
and Sandra Merritt

\_\_\_\_\_ Yes \_\_\_\_\_ No

PP. PPPSGV via L. Felczer at a/k/a Bistro by David Daleiden  
and Sandra Merritt

\_\_\_\_\_ Yes \_\_\_\_\_ No

*Answer the next question if you found at least one recording violated  
Federal law. Otherwise, skip to the next Section.*

2. In what amount, if any, was each Plaintiff damaged by Defendant(s)' violation of Federal law?

[Instructions II.J.1; II.L.1-3, 5-7]

Damage Category	Plaintiff	Awarded Damages
Security	PPFA	
Security	PPGC	
Security	PPOSBC	
Security	PPPSGV	

*Answer the next question.*

4. Which Defendants, if any, conspired to violate Federal law?

[Instructions II.K.1-2]

A. David Daleiden	_____Yes	_____No
B. Sandra Merritt	_____Yes	_____No
C. Adrian Lopez	_____Yes	_____No
D. BioMax	_____Yes	_____No
E. CMP	_____Yes	_____No
F. Albin Rhomberg	_____Yes	_____No
G. Troy Newman	_____Yes	_____No

*\* \* \* End of Section \* \* \**

## **Section K—Punitive Damages**

*Answer this section only if you have found one or more Defendants liable on one or more claims.*

1. Do you find by clear and convincing evidence that at least one Defendant is liable for punitive damages?

[\[Instructions II.M.1-2\]](#)

(Check one.)

\_\_\_\_\_ Yes

\_\_\_\_\_ No

*If you answered “Yes,” to Question 1, answer the next question. If you answered “No” to Question 1, skip the rest of this section.*

2. In what amount is each Defendant liable for punitive damages?

[\[Instructions II.M.1-2\]](#)

(You should only award punitive damages against a Defendant if you found against that Defendant on one or more of the following claims: Fraud, Trespass, Florida recording law, Maryland recording law, or Federal recording law.

If you do not find an award of punitive damages is appropriate against a particular defendant, enter \$0. Otherwise, enter a dollar amount below.)

\$ \_\_\_\_\_ David Daleiden

\$ \_\_\_\_\_ Sandra Merritt

\$ \_\_\_\_\_ BioMax

\$ \_\_\_\_\_ CMP

\$ \_\_\_\_\_ Troy Newman

\$ \_\_\_\_\_ Albin Rhomberg

\* \* \* *End of Section* \* \* \*

\* \* \*

Once your deliberations are complete, sign and date this verdict form below.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Presiding Juror

United States District Court  
Northern District of California